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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,342

Applicant(s)

SANO, TETSUYA

Examiner

Vincent Rudolph

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 1-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 1-17 are objected to because of the following informalities:

According to claims 1, 3 and 5-6, it is claimed, "...the page disposed on the layout juts out the imaginary page frame.", but should be changed to read, "...the page disposed on the layout juts out from the imaginary page frame.- as evidenced in the specification, see page 23, lines 16-19, page 24, lines 18-19, page 25, lines 23-25, page 33, lines 16-19, and page 35, lines 25-26. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, 5, 7, 9 and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 5, the claims disclose a processing interruption section that interrupts a series of processing, but it is unclear what those processes entail, such as a series of steps, instructions, preferences, requests, etc., used in creating the paper image. Therefore, it is unclear what, if any, the processes are to create the image.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-10 and 14-17 is rejected under 35 U.S.C. 102(b) as being anticipated by Iwata (JP411192761A) herein referred to as Iwata.

Regarding claim 1, Iwata discloses an imposition apparatus (printer, **See Figure 2, Element 3**), which includes a paper image creating section (CPU, **See Figure 2, Element 5**) that creates a paper image (processes the printing data to be created on paper, **See Paragraph 0020**) in a manner that an imposition for at least one page frame is applied onto a paper (a fixed form size is obtained, **See Figure 1; Paragraph 0019**), and a page including an image (picture field, **See Paragraph 0020**) is disposed in the page frame on a layout in which an imaginary page frame including the page frame is setup so that a whole of the paper, in which the page is disposed, is provided in the form of an image (a single image is setup within the imaginary page frame, **See Figure 1**), an output processing section (printing part, **See Figure 2, Element 8**) that causes an image output machine for outputting an image on the paper by applying the paper image created in the paper image creating section (outputs the printing data that was processed, **See Paragraph 0020**), and a processing interruption section (embodied within the printer, **See Figure 2, Element 3**) that interrupts a series of processing of creating the paper image as well as outputting it whenever the page disposed on the layout juts out from the imaginary page frame (whenever it is detected that the printing data is not the fixed form size, but full bleeding paper, by which the printing data "bleeds" or extends over the imaginary page frame, the process is interrupted so that

the printing data is able to be re-created by being analyzed again and expanded prior to being sent to the printer, **See Paragraph 0002**).

Regarding claim 2, Iwata discloses that the imaginary page frame includes a predetermined width of margin surrounding a periphery of the page frame (a width surrounding the fixed form portion, **See Figure 1**).

Regarding claim 3, Iwata discloses an imposition apparatus (printer, **See Figure 2, Element 3**) in which a page that includes an image (picture field, **See Paragraph 0020**) is disposed in the page frame on a layout in which an imposition for at least one page frame is applied onto a paper (a single image is setup within the imaginary page frame, **See Figure 1**), which includes a page size adjusting section (embodied within the printer, **See Figure 2, Element 3**) that performs a size adjustment to coincide the page disposed on the layout with an imaginary page frame that is larger than the one in the layout in the event that the page disposed on the layout juts out the imaginary page frame (if it is detected that the image is bigger than the actual form size, the printing data is expanded to compensate for the data whenever it is detected that the printing data "bleeds" or extends over the imaginary page frame, **See Paragraph 0021**), and a paper image creating section (CPU, **See Figure 2, Element 5**) that creates a paper image (creates the expanded printing data, **See Paragraph 0025**) in such a manner that the page adjusted in size is disposed in the page frame on the layout so that the whole of the paper, in which the page is disposed, is provided in the form of an image (the print data is adjusted so that the single image is able to fit on the whole paper, **See Figure 1; Paragraph 0022-0023**).

Regarding claims 4-6, the rationale provided in the rejection of claims 1-3 is incorporated herein. In addition, the apparatus of claim 2 corresponds to the apparatus of claim 4 as well as the apparatus of claims 1 and 3 corresponds to the program (stored in memory, **See Figure 2, Element 6**) of claim 5 and the apparatus of claim 6 and performs the steps disclosed herein.

Regarding claim 7, Iwata discloses that the page is within boundary of the imaginary page frame (**See Figure 1**).

Regarding claim 8, Iwata discloses that the page size is adjusted to be within the boundary of the imaginary page frame (adjusted to fit within the full bleeding paper, **See Figure 1; Paragraph 0021**).

Regarding claim 9, Iwata discloses that the page is outside boundary of the page frame (outside boundary of the full bleeding paper, **See Figure 1; Paragraph 0019**).

Regarding claim 10, Iwata discloses that the page size is adjusted to be outside the boundary of the page frame (adjusted to be outside the page frame but within the full bleeding paper, **See Figure 1; Paragraph 0019**).

Regarding claim 14, Iwata discloses a user manually sets the size of the imaginary page frame and the size of the paper (user adjusts the size via a switch, **See Paragraph 0024**, as well is able to set the printing paper size to be used, **See Paragraph 0016**).

Regarding claim 15, Iwata does not disclose that due to an interruption by the process interruption section, no image is printed, but it would have been obvious. The reason is because the user uses the A4 size paper (**See Paragraph 0016**), but if the

printer does not include that size paper, then the process is interrupted and no image is printed until the correct paper size is set. Thus, it would have been obvious to one of ordinary skill in the art to not print the image if the process is interrupted because it prevents the printing data from being improperly outputted and allow the user to fix the mistake in order to output the printing data correctly.

Regarding claim 16, Iwata discloses that the bleed frame is disposed between the page frame and the imaginary page frame (the bleeding area, **See Figure 1, Element 1**, is between the imaginary page frame, **See Figure 1, Element 1a**, and the page frame, **See Figure 1**).

Regarding claim 17, Iwata discloses that the page is input data and the page frame is a paper size selected by a user (the size of the printing data is inputted as well as having the paper size determined by the user, **See Paragraph 0020**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata in view of Matsuoka ('668).

Regarding claim 11, Iwata does not disclose that the paper image creating section sets a register mark, such that it is a mark whenever the paper is cut on the layout in which a page is disposed.

Matsuoka ('668) discloses a procedure for a document with register marks in order to cut the printed sheet (**See Figure 7; Col. 6, Line 25-32**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a register mark, such as the one disclosed within Matsuoka ('668), and incorporate it into the apparatus of Iwata because it allows the sheet to be outputted at the intended size by the kind of printed matter (**See Matsuoka ('668), Col. 1, Line 21-25**).

Regarding claim 12, the combination of Iwata and Matsuoka ('668) discloses the paper image creating section creates a paper image which includes a plurality of register marks (**See Matsuoka ('668), Figure 7**).

Regarding claim 13, the combination of Iwata and Matsuoka ('668) discloses the image portion that juts out of the area encircled by the register mark is cut (the area surrounding the image is cut as set up by the register marks, **See Matsuoka ('668), Figure 7**).

Response to Arguments

Applicant argues that the prior art does not prevent the paper image from jutting out if printed, since, according to the applicant, the prior art is intended and required to expand past the perforations. According to Iwata, the printing data does not jut out if the data is within the initial set frame size, else it is detected that the printing data is not the fixed form size, but full bleeding paper, by which the printing data "bleeds" or extends over the imaginary page frame. As a result of this analysis, the process is interrupted so that the printing data is able to be re-created by being analyzed again

and expanded prior to being sent to the printer (**See Paragraph 0002**). Therefore, the prior art does not interrupt the printing data being processed if it is within the boundaries set, else the process is interrupted whenever it extends over the boundaries set. Thus, based on the broadest reasonable interpretation, the prior art of Iwata does meet the limitations of the claims as disclosed within the rejection above.

The applicant's other arguments are all fully addressed and met by Iwata as disclosed within the rejection above.

Based on these facts as well as making a 112 2nd rejection without the claims being amended, **THIS ACTION IS MADE NON-FINAL.**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Rudolph
Examiner
Art Unit 2625

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